

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Andrew Yang et. al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

New York State Board of Elections,

Defendant.

ECF CASE

CIVIL ACTION: 20-cv-3325

AFFIDAVIT OF HADASSAH MATIVETSKY (NON-PARTY)

Hadassah Mativetsky, under the pains and penalties of perjury, states as follows:

1. I am not a party to this action, however, I submit this Affidavit in support of Plaintiffs' EMERGENCY ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER.
2. I am an active and registered New York State Democratic Party voter.
3. I currently reside in Broome County, New York.
4. I support Andrew Yang for the office of President of the United States. I also intended to be a candidate for Delegate to the Democratic National Convention and was expecting my name to appear on the April 28, 2020 ballot where I intended to vote for Yang and myself, which I understood was delayed until June 23, 2020 because of the Covid-19 pandemic to coincide with other federal and state elections.
5. In January and February 2020, I collected countless signatures and expended great energy and costs so that Yang and myself could be on the ballot. Specifically, in and around Binghamton, Vestal, Endicott, Johnson City, and Apalachin during the cold months of January and February, I collected numerous delegate petition signatures for myself and my slate of other delegates and Mr. Yang so that we could appear on the ballot (about 125 total). With help of volunteers I coordinated, we were able to get the 500+ signatures that were required including from additional locations to those above in and around Utica and Owego. Such signatures were duly filed under the NY Election Law. It was particularly challenging for me to do this as I had a six-month old baby and could only collect signatures in the evenings after my baby was asleep. In addition, I recruited, organized, and trained a team of volunteers to collect the remaining signatures. This included calling volunteers most days on the drive to daycare after work. Then spending many nights driving to bring volunteers blank petitions and pens, to pick up their

completed petitions, and to friends and acquaintances houses to collect signatures. With so many candidates, the denser Democratic neighborhoods in Binghamton were door knocked rapidly by larger campaigns. I could not personally knock those doors in Democratically dense neighborhoods as I could not approach strangers' houses in the dark. I was able to knock doors on the weekend between naps and feedings in my less dense neighborhood with my daughter in the stroller on days that were not too cold for a baby to be out and about. I had volunteers drive from Binghamton to Utica (approximately 90 miles) to collect signatures since our district is long and skinny and they were finding it challenging to collect here.

6. On April 27, the New York Board of Elections Commissioners voted unanimously to permanently cancel the New York 2020 Democratic Presidential primary.
7. It is my belief that this action by NYS BOE violates my rights, both as a candidate and a voter, under the Constitution of the State of New York, the New York Election Law and the Constitution of the United States in that I met all the requirements and then some to be a candidate under the New York Election Law.
8. It is my belief that this arbitrary decision of the NY BOE disenfranchises both myself as a voter in the State of New York and a candidate for the office of delegate to the Democratic National Convention. Moreover, I wish to help to stand up for the class of more than six million registered Democratic Party voter in the State of New York who now, because of the BOE's capricious actions, no longer have the right to exercise their right to vote in the 2020 Democratic Presidential Primary. Despite the seriousness of the ongoing pandemic and its threat to human health and safety, it is my belief that New York State should hold a Democratic Presidential primary alongside federal congressional elections, NY State Elections for Senate and Assembly and local races (as still planned for June 28, 2020) in a manner safe for voters and election workers alike so as to not disenfranchise the voters in New York State. It is my belief that no right is more important than voting.

WHEREFORE, your affiant respectfully requests that this Court enter a judgement against Defendant NYS BOE enjoining them from canceling the June 23 Democratic Presidential Primary and grant Plaintiffs costs and fees and such other and further relief as this Court deems just and proper. This Affidavit is being executed electronically.

Dated: Binghamton, New York
April 29, 2020

By: /s/Hadassah Mativetsky
Hadassah Mativetsky
Candidate for Delegate to the Democratic National Convention (New York Congressional District 22)
Pledged to Andrew Yang and NY Registered Democratic Party Voter